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SUBJECT CIA Secrecy

SUSAN STAMBERG: The Supreme Court has given the CIA absolute power to keep sources of information secret even when those sources aren't confidential. Commentator Daniel Schorr thinks the decision may have gone too far.

DANIEL SCHORR: One can understand the tendency to defer to the Executive in matters, like intelligence sources and methods, that seem to go to the heart of national security. But as congressional investigations have shown, sources and methods can be used to cover a multitude of sins.

At issue before the Supreme Court was a project code-named MK/ULTRA, a series of experiments that the CIA conducted from 1953 until '66, and maybe longer, trying out various drugs on unsuspecting subjects in an effort to counter communist brainwashing techniques. And so, when the CIA heard that the Soviets were buying LSD, the agency began feeding LSD to unwitting Americans, observing them through one-way mirrors to see how they reacted.

Had the Supreme Court ruling been in effect when Congress investigated in the 1970s, we might not have known about Frank Olsen, a civilian employee of the Army who jumped out of a window to his death after being fed an after-dinner liqueur laced with LSD.

The blanket protection for sources and methods would have covered Dr. Sidney Gottlieb, the head of the CIA's Technical Services Division, which not only ran the drug experiments, but also stored deadly toxins that President Nixon, under international treaty, had ordered destroyed.

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The CIA scientists behind the protection of sources and methods also hatched abortive plans to poison foreign adversaries, like Fidel Castro and the Congo's Patrice Lumumba.

The need to protect sources and methods is laid down in the 1947 law that created the CIA. It is invoked to protect everything from the identity of spies to spy satellites, both human and technical intelligence. Over the years, the phrase has been stretched to include the intelligence product if that could lead to deducing the source. And it has extended far beyond the boundaries of intelligence gathering to anyone working with the agency, at times even organized crime figures, like Sam Giancana and John Roselli, who were recruited in the efforts to assassinate Castro.

The Supreme Court made no exception for improper, or even illegal, activities. Chief Justice Burger's opinion simply said, "Intelligence sources should have an assurance of confidentiality that is as absolute as possible."

That takes us a long step back to pre-Watergate days, when the hands wielding the dagger felt secur behind the cloak.